



NOTICE TO COMPLY GUIDELINES

Contents

| | Page |
|---|------|
| Section 1. DEFICIENCY Criteria | 1 |
| A. Recordkeeping | 1 |
| B. Permits/Permit Conditions | 2 |
| C. Solvent Usage | 2 |
| D. Industrial and Refinery Operations | 3 |
| E. Dry Cleaning | 4 |
| F. Gasoline Dispensing Facilities | 5 |
| Section 2. Compliance Due Date | 6 |
| A. Issuance | 6 |
| B. Radio Communications | |
| C. Clearance | |
| D. Source Compliance Status | 7 |
| Section 3. Deficiency Follow-Up | 7 |
| Section 4. Uncorrected NTC Deficiency | 7 |
| Section 5. Additional Enforcement Action | 8 |



SUBJECT: NTC (NOTICE TO COMPLY) GUIDELINES

The purpose of the NTC (Notice to Comply) is to achieve compliance by using an enforcement action appropriate to the severity of the violation. The NTC is a compliance assistance tool that helps companies comply with portions of the regulations where violations have an insignificant impact on air quality. Administrative, minor emission, and minor equipment violations (identified as "deficiencies") should be cited under an NTC. It is incumbent upon District Staff to ensure that the issuance of NTCs is uniformly and equitably applied to all the regulated facilities. If there is any doubt whether a deficiency is subject to an NTC, the Inspector should consult the Supervising Inspector before initiating enforcement action.

1. DEFICIENCY CRITERIA

An NTC shall be issued for all appropriate deficiencies in accordance with the following Sections:

A. Recordkeeping

1. Inadvertent omissions or deficiencies in recordkeeping that do not prohibit an overall compliance determination. The weight of evidence should indicate compliance.

Regulation: 500s sections, but occasionally [2-1-307](#)

If mass emissions, usage, VOC content, mix ratios, etc., can be determined for the missing periods by estimation using available data and the typical, historical information (mix ratios, VOC contents, etc.) do not show an exceedance of a limit, then an NTC may be issued.

The Inspector must be able to determine compliance, even with the omissions in recordkeeping, before a Notice to Comply may be issued. Otherwise, compliance with the regulation can not be determined and a Notice of Violation should be issued.

NOTE: If other sources of information indicate that production was abnormally high during the missing period, or that mix ratios, and/or VOC content varies significantly, then the violation should be cited under standard procedures for a Notice of Violation.

2. Records not physically available at the time of inspection provided the records do exist and can be produced in a timely manner.

Regulation: 500s sections and [2-1-307](#)

The facility representative must indicate that the records do exist but are not available, or on-site, at the present time of inspection.

3. Inadvertent instrument record keeping omissions, provided the instrument is not a District approved monitor (not subject to the requirements of [Regulation 1-522](#)) and a majority of the information is available and indicates compliance.

Regulation: [2-1-307](#)

4. Omissions in records for PERC drycleaning operations.

Regulation: [11-16-309.1](#), [501](#)

NOTE: Missing leak checklist or maintenance checklist should be issued an NOV under [11-16-309.1](#) and [11-16-501](#) respectively.

5. Missing records or omissions in records at a facility that has had no previous contact with the District.

Regulation: Various 500 Sections

B. Permits / Permit Conditions

1. Failure to post permits or have permits available during an inspection.

Regulation: [2-1-405](#)

NOTE: The compliance due date should be set to allow 30 calendar days.

2. Permit Condition usage limit exceedances, of POC only, for plants greater than 15 TPY and less than 50 TPY. Provide a 30 day compliance due date to submit a permit application. See Permit Conditions Usage Limits Policy.

Regulation: [2-1-307](#)

NOTE: Exceedances for plants less than and equal to 15 TPY are handled administratively with a "Permit Conditions Change Request Form."

Exceedances at plants emitting greater than or equal to 50 TPY should be issued an NOV.

C. Solvent Usage

1. Open containers of unheated solvent in work areas (each should be one gallon or less). Containers should be involved with production activities (i.e. not in storage) and should be observed to be left unattended for an extended duration.

Regulation: Various Regulation 8 Rules

The volume of liquid in all of the containers should not be added for the purposes of comparison with the one gallon criteria. Solvent containers, open to the atmosphere, located storage areas are not subject to an NTC. Containers do not have to be sealed or airtight, containers must be covered. Holes or funnel attachments which allow solvent to be poured into the container are acceptable. Discretion must be used to determine that a good-faith effort has been made on the part of the operator to prevent emission of VOCs into the atmosphere.

2. Solvent-laden cloths (paper or fabric) left exposed in the work area.
Regulation: Various Regulation 8 Rules

Cloths laden with nonvolatile oils or greases should not be considered a violation; therefore, neither a Notice to Comply nor a Notice of Violation should be issued.

3. Cold cleaners left uncovered when not in use provided the solvent meets the low volatility requirement in Regulation [8-16-118](#).
Regulation: [8-16-303.2.1](#)
4. Marking the maximum fill capacity on cold cleaners and solvent sinks provided they meet the freeboard requirements.
Regulation: [8-16-303.4.1](#) and [8-30-301.4](#)

D. Industrial and Refinery Operations

1. Taped legs on floating roof tanks where the tape is weathered and loose but vast majority of legs are in compliance.
Regulation: [8-5-320.4](#)

The number of defective taped roof support legs, gaps $>1/2$ " and less than 1", should not exceed ten percent of the total tank legs.

2. Missing identification tags for valves, flanges, and components (tag has fallen off) where there is an existing tag identification system in place.
Regulation: [8-18-401.1](#), [8-22-{to be determined}](#), [8-25-405](#), etc.

NOTE: Tagged leakers (subject to Regulations [8-18-402](#), [8-22-402.2](#), and [8-25-402](#)) that do not have visible tags, as required by the regulation, are subject to a Notice of Violation. APCO approved identification systems may not involve a physical marking system.

E. Dry Cleaning

1. A PERC leak meeting the requirements of a leak-repair extension.
Regulation: [11-16-309.2.5](#)

NOTE: A 30-day period must be granted. The compliance due date should be set to allow 30 calendar days.

2. Temperature gauge on refrigerated condenser not easily visible to operator.
Regulation: [11-16-305.1.4\(b\)](#)
3. Failure to order a part within two days after detection of leak, or to install a part within 5 days of receipt of it. After 4/1/96, can only apply if leak measures less than 50 ppmv.
Regulation: [11-16-309.2.5\(a\)](#)
4. Failure to correct a leak within 15 days of detection and a 30-day extension has been granted.
Regulation: [11-16-309.2.5\(b\)](#)
5. Training certificate of current trained operator, copy of certificate for separated trained operator, or manufacturer's operating manual(s) not physically available at time of inspection, provided certificates and/or manual(s) exist and can be produced in a timely manner.
Regulation: [11-16-501.5, and .6](#)
6. Inadvertent omissions or deficiencies in recordkeeping that do not prevent an overall compliance determination as to the weekly regularity of operation and maintenance checks of equipment.
Regulation: [11-16-501.4.1](#)

Inadvertent omissions or deficiencies in recordkeeping that do not prevent an overall compliance determination as to the weekly regularity of leak inspections.

Regulation: [11-16-501.4.2](#)

7. Inadvertent omissions or deficiencies in recordkeeping that do not prevent an overall compliance determination as to Perc usage based on any of the following: pounds of materials cleaned per load; purchase and delivery receipts for solvent, waste recovered from solvent still, cooker or other sources; dates of waste recovery, filter changes, drainage and/or drying filters; hazardous waste disposal manifests (or hauler's cumulative annual statement)
Regulation: [11-16-501.1, .2, and .3](#)

F. Gasoline Dispensing Facilities

1. Vapor Recovery signs not adequately posted.
Regulation: [8-7-307](#)

NOTE: When the telephone number is missing on instruction signs, the Inspector should provide the sticker with the proper telephone number.

2. Submerged fill tubes on underground and aboveground storage tanks that are greater than 6 inches and less than 14 inches from the tank bottom.
Regulation: [8-5-301.1](#) and [8-7-301.3](#)

Existing policy allowing for separate measurement allowances for two-point and coaxial fill tubes is still applicable.

3. Missing gaskets on vapor caps for poppeted vapor lines on phase one vapor recovery, provided the poppet is operating properly.
Regulation: [8-7-301.5](#)
4. Less than 1 inch of organic liquid, including gasoline, in a containment sump, provided the sump is below ground, covered, and does not exceed 18 inches in diameter.
Regulation: [8-6-307](#), [8-7-308](#), [8-33-306](#), and [8-39-306](#)

NOTE: Greater than 1 inch is a Notice of Violation.

5. Inability to provide access inside dispenser cabinets at gasoline dispensing facilities, because keys are not available at the time of inspection.
Regulation: [8-7-502](#)

G. Open Burning

Small, insignificant open fires at a single family dwelling where all of the following apply:

1. the size of the burn pile is less than 1 cubic yard.
2. the fires are immediately extinguished.
3. no citizen complaints or fire department referrals were received.
4. No prior NOV's have been issued.

Regulation: [5-301](#)

2. COMPLIANCE DUE DATE

Generally, the compliance due date should be set to allow 15 calendar days from the date of NTC issuance unless the specific NTC deficiency category in Section 1 indicates otherwise.

3. NTC PROCEDURES

A. Issuance

Prior to the issuance of any notices (NTC, NOV), the inspector should review the results of the entire inspection with the company contact. All complying sources should be noted, any sources requiring a future inspection or source test should be identified, deficiencies observed should be covered, and violations subject to a Notice of Violation should be explained. This "exit interview"

should help to avoid any surprises for the company contact when the citations are issued.

The top portion of the NTC is very similar to the current NOV and needs no explanation. The Inspector should record each deficiency on the NTC. The deficiencies are enumerated on the NTC and should be cited for each source and each regulation. The Compliance Due Date should be completed by the inspector, allowing for 15 full calendar days from the NTC issuance date. If the deficiencies were corrected during the inspection, the inspector should indicate "N/A" for the compliance due date.

The Inspector should provide compliance assistance by providing suggested measures that a facility can employ to bring the deficiency into compliance and prevent recurrences. The Inspector should also provide the appropriate NTC handouts.

A signature is not required on an NTC. If the recipient does not want to sign the notice, the Inspector should write "Declined to Sign" on the signature line.

The NTC copies shall be distributed:

Original (White) - Office when completed with Compliance Dates

1st Copy (Pink) - Violator Copy

2nd Copy (Yellow) - Inspector Copy (Destroy after compliance.)

An inspection report is not required for the issuance of any NTC.

The Supervising Inspector should keep a log of all NTCs issued.

B. Radio Communications

NTCs should not be called in to the communication center.

C. Clearance

The majority of all NTC deficiencies will be corrected during the inspection. As deficiencies are corrected during the inspection, the Inspector should complete the Compliance Date for each deficiency under the appropriate column on the NTC Original (White). Complete the Compliance Date even if the deficiency is corrected during the inspection. The minority that are not corrected, will be cleared later by the company.

The Inspector shall retain the NTC original (White) until all the deficiencies have been corrected and compliance is achieved. The company is required to clear each uncorrected deficiency by calling the District Communications Center. NTC deficiency clearance information will be dispatched to the Inspector as it is received in the Communications Center. Compliance Dates

(date of corrective action) shall be recorded for each deficiency under the appropriate column on the NTC Original (White). If the Compliance Due Date has past for an NTC and there are outstanding deficiencies that remain unresolved, the Inspector should call the facility to resolve the outstanding deficiencies. The Inspector may not grant extensions to the Compliance Due Date.

If the facility indicates that deficiencies have not been corrected by the Compliance Due Date, the Inspector shall conduct a reinspection and issue a NOV if the deficiency went uncorrected after the Compliance Due Date.

The inspector is not required to conduct reinspections of any NTC violations. However, records that were unavailable during an inspection may require the Inspector to reinspect the facility to determine compliance once they become available.

Once all of the deficiencies have been cleared, the Original will be forwarded to the office. NTC originals will be entered into a database to provide information for program evaluations. No company specific information is kept.

D. Source Compliance Status

A source is NOT considered to be in compliance unless all NTC deficiencies are resolved and all violations are back in compliance. The Inspector will not report the status of a source which has outstanding NTC deficiencies until compliance is achieved.

Once all deficiencies and violations have been corrected, the Inspector may then consider the source to be in compliance. The source can then be called "in compliance" to the Dispatcher.

Compliance for Notices of Violation should be verified in accordance with existing NOV policy.

3. DEFICIENCY FOLLOW-UP

NTCs can be randomly audited, by the Inspector, to ensure that appropriate corrective action has been taken by the facility. The Supervising Inspector shall determine which NTCs should be audited.

4. UNCORRECTED NTC DEFICIENCY

Upon random reinspection, if a deficiency is determined to have been left uncorrected past the compliance due date indicated on the NTC and for more than 15 calendar days, then the Inspector will issue an NOV. Each uncorrected NTC

deficiency shall be issued as a separate offense or violation on the NOV. The occurrence date shall be the date of reinspection. The associated NOV report should document relevant information from the date of the NTC issuance forward.

The Inspector should be confident that the same deficiency exists and has remained uncorrected past the Compliance Due Date. Similar or new deficiencies discovered during reinspections should be treated as new, separate NTC deficiencies.

5. ADDITIONAL ENFORCEMENT ACTION

A report to the Director of Enforcement will be initiated for any facility where NTCs are not adequately achieving compliance. Facilities that routinely receive NTCs such that there appears to be no effort to prevent additional deficiencies should be reviewed. Inspectors will determine the necessity of these reports on a case-by-case basis and propose a course of action.